

1 **SCHIAN WALKER, P.L.C.**

2 1850 NORTH CENTRAL AVENUE, #900

3 PHOENIX, ARIZONA 85004-4531

4 TELEPHONE: (602) 277-1501

5 FACSIMILE: (602) 297-9633

6 E-MAIL: bkdocket@biz.law

7 DALE C. SCHIAN, #010445

8 MARK C. HUDSON, #020500

9 Attorneys for MorrisAnderson & Associates, Ltd., Litigation Trustee

10 **UNITED STATES BANKRUPTCY COURT**

11 **DISTRICT OF ARIZONA**

12 In re:

13 SWIFT AIR, L.L.C.,

14 Debtor.

No. 2-12-bk-14362-DPC

CHAPTER 11

**LITIGATION TRUSTEE'S ANNUAL
REPORT FOR FISCAL YEAR 2015**

15 Pursuant to Section 12.05 of the Creditor Trust Agreement, MorrisAnderson & Associates, Ltd.,
16 the duly appointed Litigation Trustee (the "Trustee"), files its written report and accounting for the
17 fiscal year ending December 31, 2015.

18 As additional detail to this report, the Trustee has attached the following documents, ending on
19 December 31, 2015:

- 20 1. Assets and Liabilities Schedule
- 21 2. Operating Statement
- 22 3. Summary of Settlement Payments Received
- 23 4. Operating Cash Schedule
- 24 5. Schedule of Trustee and Legal Fees
- 25 6. Accounts Receivable
7. Accounts Payable
8. Bank Statement – First Niagara

26 Since its appointment, the Trustee has undertaken action to review the Debtor's books and
27 records in order to identify and recover avoidable transfers made by the Debtor prior and subsequent to
28 its bankruptcy (including preferences, fraudulent transfers, and unauthorized post-petition transfers). As

noted in the attached documents, the Trustee was holding cash assets on December 31, 2014 of \$53,700 and total assets of \$384,178 (the balance being uncollected judgments). The Litigation Trust's (as established in the Plan or Reorganization) net income through December 31, 2015 was (\$11,830.58)

A substantial portion of the Litigation Trust's income and assets is the result of collections by the Trustee (which are detailed in the attached documents). A summary of the collection efforts is as follows:

A. Collection action against non-insiders:

Number	Description ¹
68	Total number of recipients of potentially avoidable transfers
16	Eliminated – potential liability under the venue threshold in 28 U.S.C. § 1409(a)
5	Eliminated – potential liability under the jurisdictional limit in 11 U.S.C. § 547(c)(9)
17	Eliminated after transferee established ordinary course defense that eliminated potential liability or reduced it an amount less than the jurisdictional or venue threshold(s)
4	Eliminated after transferee established contemporaneous exchange defense that eliminated potential liability or reduced it an amount less than the jurisdictional or venue threshold(s)
4	Eliminated after transferee established new value defense that eliminated potential liability or reduced it an amount less than the jurisdictional or venue threshold(s)
2	Eliminated after determining transferee did not receive a transfer from the Debtor or estate funds
1	Eliminated after it was determined that the claim was released previously as part of a Court-approved settlement
5	Eliminated for miscellaneous reasons, including the transferee no longer being in operation or otherwise uncollectible
11	Settled by Trustee – settlement paid in full
2	Settled by Trustee – settlement paid in part; balance determined to be uncollectible
1	Judgment entered (by default), but later determined to be uncollectible
0	Action pending – all non-insider collections are completed

¹ Several transferees provided evidence of more than one defense; they are listed under only one defense and not repeated (double-counted).

1 *B. Collection action against insiders*

2 Number	Description
3 31	Total number of recipients of potentially avoidable transfers
4 31	Litigation is ongoing ²

5 As indicated by the foregoing, the Trustee resolved all potential avoidance actions against non-
6 insiders by the end of 2015. As for the insiders, it is continuing to pursue these actions, most of which
7 were still being negotiated prior to litigation being initiated.

8 DATED this 31st day of May, 2016.

9 SCHIAN WALKER, P.L.C.

10
11 By /s/ MARK C. HUDSON, #020500

12 Dale C. Schian
13 Mark C. Hudson
Attorneys for MorrisAnderson

14 COPY of the foregoing
15 e-mailed this 31st day
of May, 2016, to:

16 Jennifer A. Giaimo, Esq.
17 U.S. Trustee's Office
230 North First Avenue, #204
Phoenix, Arizona 85003-1706
18 jennifer.a.giaimo@usdoj.gov

19 /s/ DEBBI STEPHENS
20
21
22
23
24
25

² A default judgment was entered against three persons, but it was subsequently vacated.

SWIFT AIR LIQUIDATING TRUST
ASSETS AND LIABILITIES SCHEDULE
For the Period January 1 through December 2015
Accrual Basis

Assets

Cash First Niagra	28,386
Cash Trust Account	25,315
Total Cash	<u>\$53,700</u>

Judgments	384,178
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Total Assets	<u><u>\$437,879</u></u>
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Liabilities

Accounts Payable	58,022
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Total Assets Less Liabilities	<u><u>\$379,856</u></u>
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Total Cash	53,700
Less: Accounts Payable	(58,022)
Available Cash	(\$4,322)

SWIFT AIR LIQUIDATING TRUST
OPERATING STATEMENT
For the Period January 1 through December 2015
Accrual Basis

Income

Creditor Trust Distribution	-
Creditor Trust Settlements	8,670.00
	<hr/>
Total Receipts	\$8,670.00

Expenses

Liquidating Trustee	13,725.00
Legal Fees	2,890.00
Filing Costs	-
Legal Expenses	3,773.80
Travel	-
Other	50.24
Postage	-
Communication	61.54
Bank Fees	-
	<hr/>
Total Expenses	20,500.58
	<hr/>
Net Income	<u><u>\$ (11,830.58)</u></u>

**SWIFT AIR LIQUIDATING TRUST
SETTLEMENTS
For the Period January 1 through December 2015**

Account	Amount
Ryan Lafoley Final Payment	5,000.00
Ryan Lafoley Payment 1	2,500.00
FitFoods4U Payment 1	360.00
FitFoods4U Payment 2	360.00
Skycap Payment 7&8 - Apr and May 20	100.00
Skycap Payment 5 - Feb 2015	50.00
Skycap Payment 4- Jan 2015	50.00
Skycap Payment 6 - Mar 2015	50.00
Skycap Payment 9- Jun 2015	50.00
Skycap Payment 10- Jul 2015	50.00
Skycap Payment 11- Aug 2015	50.00
Skycap Payment 12- Sep 2015	50.00
Total Settlements	\$8,670.00

SWIFT AIR LIQUIDATING TRUST
OPERATING CASH SCHEDULE
For the Period January 1 through December 2015

First Niagra Liquidating Trust Operating Account

Date	Account	Ledger	Description	Amount	Balance
<i>Beginning Operating Trust</i>					\$ 28,385.74

Schian Walker Escrow Account

Beginning Settlement Collections	\$ 25,314.54
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Settlement Collections

Skycap Payment 5 - Feb 2015	50.00
Skycap Payment 4- Jan 2015	50.00
Ryan Lafoley Payment 1	2,500.00
FitFoods4U Payment 1	360.00
Skycap Payment 6 - Mar 2015	50.00
Ryan Lafoley Final Payment	5,000.00
Skycap Payment 7&8 - Apr and May 2015	100.00
FitFoods4U Payment 2	360.00
Skycap Payment 9- Jun 2015	50.00
Skycap Payment 10- Jul 2015	50.00
Skycap Payment 11- Aug 2015	50.00
Skycap Payment 12- Sep 2015	50.00

Total Settlements	\$ 8,670.00
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Transfers From Liquidating Trustee	\$ -
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Transfers To Liquidating Trustee	\$ -
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Legal Expense Reimbursement

Skycap	(138.54)
Transfer to 1182.15	(2,683.95)
Transfer to 1182.15	421.74
Transfer to 1182.15	529.57

Total Expense Reimbursement	\$ (1,871.18)
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Fees Paid

Complete Skycap - Payment 4 (Jan 2015)	(16.67)
Complete Skycap - Payment 5 (February 2015)	(16.67)
Ryan Lafoley Payment 1 (March 2015)	(833.33)
FitFoods4U Payment 1/10 (March 2015)	(120.00)
Complete Skycap Payment 6 (March 2015)	(16.67)
Ryan Lafoley Final payment (April 2015)	(1,666.67)
Complete Skycap Payments 7-8 (April/May 2015)	(33.33)
FitFoods4U Payment 2 (June 2015)	(120.00)
Complete Skycap Payment 9 (June 2015)	(16.67)
Complete Skycap Payment 10 (August 2015)	(16.67)
Complete Skycap Payment 11 (August 2015)	(16.67)
Complete Skycap Payment 12 (Sept. 2015)	(16.67)

Total Schian Walker Fees Paid	\$ (2,890.00)
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Escrow Balance

\$ 29,223.36

SWIFT AIR LIQUIDATING TRUST
OPERATING CASH SCHEDULE
For the Period January 1 through December 2015

LIQUIDATING TRUSTEE EXPENSES

Date	Category	Description	Amount
2/12/2015	COMMUNICATION	Conference call	11.95
2/26/2015	COMMUNICATION	Conference call	12.02
4/17/2015	COMMUNICATION	Conference call	10.39
6/8/2015	COMMUNICATION	Conference call	18.98
6/9/2015	COMMUNICATION	Conference call	8.2
12/5/2015	OTHER	Lunch meeting	50.24
TOTAL			\$111.78
COMMUNICATION			61.54
OTHER			50.24
POSTAGE			-
TRAVEL			-
TOTAL LIQ TRUSTEE COST			\$111.78

Schian Walker Expenses

Category	Description	Amount
Legal Costs	Skycap	138.54
Legal Costs	Transfer to 1182.15	2,683.95
Legal Costs	Transfer to 1182.15	421.74
Legal Costs	Transfer to 1182.15	529.57
TOTAL		\$ 3,773.80

SWIFT AIR LIQUIDATING TRUST
LIQUIDATING TRUSTEE AND LEGAL FEES
For the Period January 1 through December 2015

Liquidating Trustee Fees

<u>Date</u>	<u>Consultant</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
1/13/2015	DFD	1.00	550.00	550.00
1/13/2015	MJW	1.00	375.00	375.00
1/15/2015	DFD	1.00	550.00	550.00
1/15/2015	MJW	1.00	375.00	375.00
1/20/2015	DFD	0.50	550.00	275.00
1/21/2015	DFD	0.50	550.00	275.00
1/28/2015	DFD	0.50	550.00	275.00
2/2/2015	MJW	3.00	375.00	1,125.00
2/10/2015	DFD	1.00	550.00	550.00
2/10/2015	MJW	1.00	375.00	375.00
2/23/2015	MJW	1.00	375.00	375.00
2/24/2015	DFD	0.50	550.00	275.00
3/5/2015	DFD	0.50	550.00	275.00
3/5/2015	MJW	1.00	375.00	375.00
3/17/2015	MJW	1.00	375.00	375.00
3/26/2015	MJW	1.00	375.00	375.00
3/27/2015	MJW	1.00	375.00	375.00
4/2/2015	DFD	0.50	550.00	275.00
4/3/2015	MJW	1.00	375.00	375.00
4/30/2015	DFD	1.00	550.00	550.00
4/30/2015	MJW	1.00	375.00	375.00
5/22/2015	DFD	0.50	550.00	275.00
5/28/2015	MJW	1.00	375.00	375.00
6/17/2015	DFD	0.50	550.00	275.00
6/17/2015	MJW	1.00	375.00	375.00
7/31/2015	MJW	1.00	375.00	375.00
8/3/2015	MJW	1.00	375.00	375.00
8/4/2015	DFD	1.00	550.00	550.00
9/15/2015	DFD	1.00	550.00	550.00
9/15/2015	MJW	1.00	375.00	375.00
10/5/2015	MJW	1.00	375.00	375.00
10/13/2015	DFD	0.50	550.00	275.00
10/21/2015	DFD	0.50	550.00	275.00
12/5/2015	DFD	1.00	550.00	550.00
Total MorrisAnderson Fees				<u><u>\$ 13,725.00</u></u>

SWIFT AIR LIQUIDATING TRUST
LIQUIDATING TRUSTEE AND LEGAL FEES
For the Period January 1 through December 2015

Schian Walker Legal Fees

<u>Settlement</u>	<u>Fee Payment</u>	<u>Amount</u>
Complete Skycap	33.33% Fee Contingency	16.67
Complete Skycap	33.33% Fee Contingency	16.67
Ryan Lafoley	33.33% Fee Contingency	833.33
FitFoods4U	33.33% Fee Contingency	120.00
Complete Skycap	33.33% Fee Contingency	16.67
Ryan Lafoley	33.33% Fee Contingency	1,666.67
Complete Skycap	33.33% Fee Contingency	33.33
FitFoods4U	33.33% Fee Contingency	120.00
Complete Skycap	33.33% Fee Contingency	16.67
Complete Skycap	33.33% Fee Contingency	16.67
Complete Skycap	33.33% Fee Contingency	16.67
Complete Skycap	33.33% Fee Contingency	16.67
Schian Walker Fees		<u>\$ 2,890.00</u>

SWIFT AIR LIQUIDATING TRUST
ACCOUNTS RECEIVABLES
For the Period January 1 through December 2015

Judgments	Description	Amount
Complete Skycap Services, Inc.	Paying \$50 a month paid \$450 in year 2015	5,970.06
Fitfoods4u, LLC	Paid \$720 in 2015	22,309.18
Mosaic Capital	Out of state no response	60,000.00
Stukes (Donald), ASI Advisors, Jordan Gunthrope	Entered 1-7-2015, no collection efforts	295,899.06
	Total Accounts Receivables	<u>\$384,178.30</u>

SWIFT AIR LIQUIDATING TRUST
ACCOUNTS PAYABLES
For the Period January 1 through December 2015

Account	Billed	Paid	Owe
MorrisAnderosn 2015	70,132.24	(15,000.00)	55,132.24
Schian Walker	33,886.73	(30,996.73)	2,890.00
Total Accounts Payable			\$58,022.24



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SWIFT AIR LIQUIDATING TRUST
MORRIS ANDERSON & ASSOCIATES LTD
55 W MONROE ST
CHICAGO IL 60603-5001

ACCOUNT STATEMENT

Statement Date: December 31, 2015
Primary Account Number: xxxxxxxx6393



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SUMMARY OF ACCOUNTS

Account	Account Type	Current Balance (\$)	Interest Rate (%)	APY (%)	Interest YTD (\$)
xxxxxxxx6393	BIZ200 Checking	28,385.74			

BIZ200 Checking - xxxxxxxx6393

Account Summary

Statement from 12/01/15 Through 12/31/15

Beginning Balance (\$)	+	Deposits (\$)	+	Interest Paid (\$)	-	Withdrawals (\$)	-	Service Charge (\$)	=	Ending Balance (\$)
28,385.74		.00		.00		.00		.00		28,385.74

Transactions by Date

Posting Date	Transaction Description	Debit (-)	Credit (+)	Balance (\$)
	NO ACTIVITY			